

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MENG LI,

Petitioner-Appellant,

v.

ROBERT C. EDDY, District Director,
INS,

Respondent-Appellee.

No. 97-35814

D.C. No.
CV-97-00231-JKS

ORDER

Filed April 7, 2003

Before: Mary M. Schroeder, Chief Judge, Robert R. Beezer
and Michael Daly Hawkins, Circuit Judges.

Order;
Dissent by Judge Beezer

ORDER

After the filing of the Petition for Rehearing, we asked for supplemental briefing on the issue of mootness, because Li is no longer ineligible for reentry under the five-year bar in 8 U.S.C. § 1182(a)(9)(A)(i). Both parties contend that under 8 U.S.C. § 1182(a)(6)(C)(i) Li may be permanently barred from reentry.

If, as the parties contend, Section 1182(a)(6)(C)(i) were to erect a permanent bar to reentry, the five-year bar under Section 1182(a)(9)(A)(i) would become meaningless. The parties' contention thus runs squarely against the canon of construction that courts interpret statutes so as not to render any section meaningless. *See, e.g., Beck v. Prupis*, 529 U.S. 494, 506 (2000). Any remaining consequences of Li's original

removal are too remote to defeat mootness. *See Spencer v. Kemna*, 523 U.S. 1, 14-15 (1998).

The majority of the panel has voted to vacate the earlier opinions and dismiss the appeal as moot.

The opinions reported at 259 F.3d 1132 (9th Cir. 2001) are VACATED and the appeal is DISMISSED AS MOOT.

BEEZER, dissenting:

I am convinced that the case is not moot. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

PRINTED FOR
ADMINISTRATIVE OFFICE—U.S. COURTS
BY WEST GROUP—SAN FRANCISCO—(800) 888-3600

The summary, which does not constitute a part of the opinion of the court, is copyrighted
© 2003 by West Group.